

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. APPLN. NO. 09/869,140

AMENDMENTS TO THE DRAWINGS

Please insert the four enclosed formal drawing replacement sheets (1/4, 2/4, 3/4 and 4/4) in which elements of Fig. 1, Fig. 2 and Fig. 4 have been labeled as required by the Examiner.

Attachment: Replacement Sheets 1/4, 2/4, 3/4 and 4/4

REMARKS

Applicant requests the Examiner to reconsider and withdraw the objection to the drawings, in view of the four enclosed replacement formal drawing sheets (1/4 to 4/4) in which the "elements" of Fig. 1, Fig. 2 and Fig. 4 have been labeled as required by the Examiner.

Applicant requests the Examiner to reconsider and withdraw the objection to claims 15-26 under 37 C.F.R. § 1.75(c). Applicant thanks the Examiner for noting the typographical error in these claims, and for correctly assuming that the dependencies of claims 15-26 correspond to those of original claims 2-13, respectively. By the above amendments, the dependencies of claims 15-26 have been corrected.

Applicant also respectfully requests the Examiner to reconsider and withdraw the rejection of claims 14-26 under 35 U.S.C. § 112, second paragraph, in view of the above corrective amendments.

Applicant does not understand why the Examiner considers it to be "not clear" as to whether claim 14 defines a method or an apparatus, as the claim is clearly directed to "A telecommunication **method**". In any event, even though the MPEP permits use of the passive voice, the claims have been amended to use the active voice which apparently is preferred by the Examiner.

Applicant also respectfully traverses the rejections of claims 14 and 19-24 under 35 U.S.C. § 102(e) as being anticipated by Honkasalo '496, and of claims 15-18, 25 and 26 under 35 U.S.C. § 103(a) as being unpatentable (obvious) over Honkasalo '496.

The rejection of claims 14 and 19-24 based on anticipation by Honkasalo requires that Honkasalo disclose, either expressly or inherently, each limitation of each of claims 14 and 19-24, or in other words, that each of claims 14 and 19-24 be readable on Honkasalo's disclosure. Applicant respectfully submits that clearly such is **not** the case here.

A primary novel limitation of independent parent claim 14 is:

generating the set point in the receiver whenever information is received, on the one hand, from said comparison between the characteristic of the received signal and the reference characteristic, and, on another hand, from a signal representing the transmission power of the received signal, and, on a third hand, from set points previously generated and transmitted to the transmitter but which the transmitter could not register owing to the transmission delay.

In other words, the set point is a function of the three parameters defined in the above-quoted limitation of claim 14.

In an attempt to find readability of independent parent claim 14 on Honkasalo's disclosure, the Examiner, at page 5 of the Office Action, refers Applicant to, *inter alia*, column 5, lines 11-15 and 29-34, of Honkasalo. However, Applicant finds nothing in these cited passages which describes, or even suggests, this claim 14 limitation defining the set point as a function of the recited three parameters. If the Examiner disagrees, Applicant respectfully respects her explicitly to read this limitation on Honkasalo's disclosure.

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of independent parent claim 14 (and its dependent claims 19-24) under 35 U.S.C. §

102(e), or else explain the **exact** manner in which she reads the above-quoted limitation of claim 14 on Honkasalo's disclosure.

The above arguments and requests also apply to the dependent "receiver" claim 24 which recites the structure of a receiver for carrying out the method of the independent claim 14.

As for the rejection of claims 15-18, 25 and 26 under 35 U.S.C. § 103(a), Applicant respectfully submits that the Examiner has not made out a *prima facie* case of obviousness of the subject matter of each of these claims because of the above-noted deficiency in Honkasalo's disclosure relative to at least the last limitation of independent parent claim 14.

Thus, the Examiner's speculative statements about obviousness of these claims fail: "both methods **seem** to provide--as a final product--a constant that is used to determine the power level"; "the limitations of claims 16-18 and 25 **may** be read on the methods for calculating the "transmission power value S(d)" as taught by Honkasalo; and "it is well known that GSM systems may be connected to several other telecommunication systems and networks...".

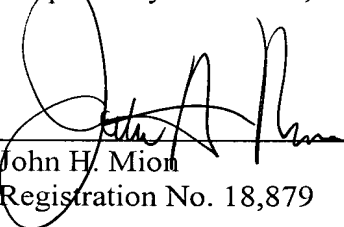
In conclusion, then, Applicant respectfully requests the Examiner to reconsider and withdraw all objections, requirements and the rejections under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a) and to find the application to be in condition for allowance with all of claims 14-26; however, if for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is respectfully requested to **call the undersigned attorney** to discuss any unresolved issues and to expedite the disposition of the application.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this application, and any required fee for such extension is to be charged to

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Deposit Account No. 19-4880. The Commissioner is also authorized to charge any additional fees under 37 C.F.R. § 1.16 and/or § 1.17 necessary to keep this application pending in the Patent and Trademark Office or credit any overpayment to said Deposit Account No. 19-4880.

Respectfully submitted,



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